

"The following draft minutes of the Board meeting have not been adopted by the Board and are provided for general information only"

**CALIFORNIA VICTIM COMPENSATION AND GOVERNMENT CLAIMS BOARD
OPEN MEETING MINUTES
NOVEMBER 21, 2003
10:00 A.M.
630 "K" STREET
FIRST FLOOR HEARING ROOM
SACRAMENTO, CALIFORNIA**

The California Victim Compensation and Government Claims Board convened its regular session at the call of Jacqueline R. Wilson, Deputy Director, Interagency Support Services, Department of General Services, acting for William J. Jefferds, Director of the Department of General Services, at the First Floor Hearing Room, 630 "K" Street, Sacramento, California, on Friday, November 21, 2003, at 10:00 a.m. Present was Board member Windie Scott, Deputy State Controller, acting for and in the absence of Steve Westly, Controller.

Board staff present included Catherine Close, Interim Executive Officer; Judith Kopec, Supervising Staff Counsel; Chris Aceituno, Manager, and Donnel Toppila, Analyst, from the Government Claims Program. Also in the audience were Pete Williams, DEO, Victim Compensation Program; Carol Fieldhouse, DEO Administration; David Shaw, DEO, Revenue Recovery, and Appeals Division, (RRAD); and Jennifer Shaffer, Staff Counsel, and Acting Legislative Director. Sally Gill, Board Liaison, recorded the meeting.

EXECUTIVE OFFICER'S REPORT

Ms. Close reported that the contract with EmergingSoft Corporation to develop a new victim compensation case management system was executed on November 4, 2003, and shall be included in the Contract Report for November. Ms. Close also discussed the success of the State Employees' Charitable Campaign, and noted that \$30,635.00 in contributions was raised, a 39 percent increase over last year's balance, which exceeded the goal of collecting 20 percent more than last year. In conclusion, Ms. Close reported that staff worked with numerous agencies to aid victims of the recent Southern California fires.

David Shaw, DEO, RRAD, discussed SB 940, which requires the Judicial Council to establish a collaborative working group to adopt guidelines for a comprehensive program for the collection of criminal fees, fines, forfeitures, and penalties. The bill was chaptered on September 4, 2003, and Chief Justice George appointed Mr. Shaw as a member of the Collaborative Court-County Working Group on Enhanced Collections.

GOVERNMENT CLAIMS PROGRAM

The Board commenced the Government Claims portion of the meeting at 10:30 a.m.

Item 1 **CLAIMANT: Richard S. Duran** **G531766**

The Board voted to continue this claim until the third member of the Board was present. However, the Board requested staff to research how the claimant benefited from the state's action and/or inaction as documented in the claim.

Item ² **CLAIMANT: LarkAnn Stewart** **G528396**

The Board voted to adopt the claims examiner's recommendation.

Item ³ **CLAIMANT: Miller Pipeline Corporation** **G535076**

The Board voted to adopt the staff recommendation.

Item ⁴ **CLAIMANT: John S. McKinney** **G535787**

The Board voted to adopt the staff recommendation.

Item ⁵ Requests for Discharge from Accountability for Uncollectible Accounts, after discussion, the Board voted to adopt the staff recommendation.

Item ⁶ The Report of Claims for Inmate Medical Services from the California Department of Corrections was continued.

OTHER BUSINESS

Item ⁷ The Board voted to adopt the staff recommendations on the claims listed on the Government Claims Program Consent Agenda dated November 7, 2003, with the following changes:

Item ²⁸ **CLAIMANT: Peak Electric** **G533215**

Staff requested this claim be continued to obtain additional information.

Item ³² **CLAIMANT: David Bert Steffen** **G534369**

The claimant is requesting a reconsideration of this late claim and is requesting the claim to proceed through the claims examiner process.

Item ⁸⁶ **CLAIMANT: IBM** **G538038**

Staff requested this claim be continued for further verification.

Item ²⁴⁶ **CLAIMANT: Candace Cates** **G540421**

This claim is a duplicate and should be combined with claim number G535798.

A.	Total claims awarded on consent	100	
	To be paid under GC § 965	27 for	\$61,901.52
	To be paid under claims bill	73 for	\$196,781.35
B.	Claims rejected on consent	255	

The Government Claims Program was completed at 10:45 a.m.

VICTIM COMPENSATION PROGRAM

The Board commenced the Victim Compensation Program portion of the meeting at 10:45 a.m.

CLOSED EXECUTIVE SESSION {GC § 11126(c)(3)}

Pursuant to Government Code section 11126(c)(3), the Board members adjourned into a closed Executive Session with the Board's Supervising Staff Counsel at 10:45 a.m., to deliberate on the proposed decisions that were taken under submission during the meeting.

The Board reconvened into an open session at 11:10 a.m.

PROPOSED DECISIONS

Item 1 CLAIMANT 560412V

The Board voted to remand the Proposed Decision to the Hearing Officer to clarify the analysis on the following three issues: 1) whether or not there was a qualifying crime, 2) whether or not there was reasonable cooperation with law enforcement, particularly in light of the letters written by law enforcement that are in the record, and 3) clarification of the legal and factual issues concerning involvement.

Item 2 CLAIMANT 580730V

The Board voted to adopt the proposed decision.

Item 3 CLAIMANT 670737V

The Board voted to adopt the proposed decision.

Item 4 CLAIMANT 674278V

The Board voted to adopt the proposed decision.

Item 5 CLAIMANT 721573V

The Board voted to adopt the proposed decision.

Item 6 CLAIMANT 724463V

The Board voted to adopt the proposed decision.

Item 7 CLAIMANTS 734491V & 734493V

The Board voted to adopt the proposed decision.

Item 8 CLAIMANT 738508V

The Board voted to adopt the proposed decision.

Item 9 CLAIMANT 738786V

The Board voted to adopt the proposed decision.

Item 10 CLAIMANT 742157V

The Board voted to adopt the proposed decision.

Item 11 CLAIMANT 742510V

The Board voted to adopt the proposed decision.

Item 12 CLAIMANT 744513V

The Board voted to adopt the proposed decision.

Item 13	<u>CLAIMANTS</u>	<u>744758V & 688772V</u>
	The Board voted to adopt the proposed decision.	
Item 14	<u>CLAIMANTS</u>	<u>744814V, 744812V & 744813V</u>
	The Board voted to adopt the proposed decision.	
Item 15	<u>CLAIMANT</u>	<u>745063V</u>
	The Board voted to adopt the proposed decision.	
Item 16	<u>CLAIMANT</u>	<u>745326V</u>
	The Board voted to adopt the proposed decision.	
Item 17	<u>CLAIMANT</u>	<u>745782V</u>
	The Board voted to adopt the proposed decision.	
Item 18	<u>CLAIMANTS</u>	<u>748864V, 746171V & 746169V</u>
	The Board voted to adopt the proposed decision.	
Item 19	<u>CLAIMANT</u>	<u>754135V</u>
	The Board voted to adopt the proposed decision.	
Item 20	<u>CLAIMANT</u>	<u>754578V</u>
	The Board voted to adopt the proposed decision.	
Item 21	<u>CLAIMANT</u>	<u>773935V</u>
	The Board voted to adopt the proposed decision.	

REQUESTS FOR RECONSIDERATION

The Board voted to adopt the staff recommendations to deny the following requests for reconsiderations.

<u>22. CLAIMANT</u>	<u>612163V</u>
<u>23. CLAIMANTS</u>	<u>771234V & 771235V</u>
<u>24. CLAIMANT</u>	<u>752090V</u>
<u>25. CLAIMANT</u>	<u>756103V</u>
<u>26. CLAIMANT</u>	<u>756206V</u>
<u>27. CLAIMANT</u>	<u>718569V</u>
<u>28. CLAIMANT</u>	<u>420813V</u>
<u>29. CLAIMANT</u>	<u>729161V</u>
<u>30. CLAIMANT</u>	<u>742603V</u>
<u>31. CLAIMANT</u>	<u>719475V</u>
<u>32. CLAIMANT</u>	<u>737024V</u>
<u>33. CLAIMANT</u>	<u>692093V</u>
<u>34. CLAIMANT</u>	<u>758139V</u>
<u>35. CLAIMANT</u>	<u>752084V</u>
<u>36. CLAIMANT</u>	<u>750852V</u>
<u>37. CLAIMANT</u>	<u>516243V</u>
<u>38. CLAIMANT</u>	<u>741174V</u>
<u>39. CLAIMANT</u>	<u>558528V</u>
<u>40. CLAIMANT</u>	<u>670570V</u>
<u>41. CLAIMANT</u>	<u>745789V</u>

42. CLAIMANT	333187V
43. CLAIMANT	771166V
44. CLAIMANT	610116V
45. CLAIMANT	702783V

The Board voted to adopt the staff recommendations on the balance of claims for which appeals were withdrawn or deemed to be withdrawn and took action on claims for which a hearing was denied under the California Code of Regulations, title 2, section 647.20.1, claim numbers 46 through 69.

Ms. Kopec presented one Precedent Decision before the Board, in the Matter of the Application of Pamela G. Application Nos. 660524 and 660530. After discussion, the Board voted to adopt the decision as a precedent decision.

MISCELLANEOUS ITEMS

Michael Siegel, attorney, requested clarification on Precedent Decision 03-05 regarding how attorney's fees will be handled when there is a blocked trust. The Board members responded that this issue would be addressed when it is raised in a specific case.

The Board tentatively adopted the 2004 Board Meeting Calendar, and confirmed the December 19, 2003, Board meeting at 10:00 a.m.

The meeting was adjourned at 11:15 a.m.

CATHERINE A. CLOSE
Interim Executive Officer

I certify that the California Victim Compensation and Government Claims Board adopted these minutes at its meeting of _____ at _____, California.

Date: _____ By: _____
Sally Gill
Board Liaison

(Affix seal here)